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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON PORTLAND

DIVISION

DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., and A.J. MADISON,

Plaintiffs,

v.

PATRICK ALLEN, in his official capacity as
head of the Oregon Health Authority, and
DOLORES MATTEUCCI, in her official
capacity as Superintendent of the Oregon State
Hospital,

Defendants.

JARROD BOWMAN, JOSHAWN
DOUGLAS-SIMPSON

3:02-cv-00339-MO (Lead Case)
-00339-MO (Lead Case)

3:21-cv-01637-MO (Trailing Case)

**AMICI REQUEST FOR JUDICIAL
NOTICE**

Plaintiffs, v. DOLORES MATTEUCI, Superintendent of the Oregon State Hospital, in her individual and official capacity, PATRICK ALLEN, Director of the Oregon Health Authority, in his individual and official capacity, Defendants.

Amici Curiae Marion and Washington Counties respectfully request that the Court take judicial notice of four exhibits. Each exhibit is a government record accessible by the public on government websites.

I. LEGAL STANDARD

Federal courts may grant judicial notice of facts that “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). Documents available on government websites are appropriate subjects for judicial notice. *See, e.g., Dudum v. Arntz*, 640 F.3d 1098, 1101 n.6 (9th Cir. 2011); *Daniels–Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998–99 (9th Cir.2010) (taking judicial notice of official information posted on a governmental website, the accuracy of which was undisputed); *United States v. Camp*, 723 F.2d 741, 744 n. ** (9th Cir.1984) (taking judicial notice of a verifiable public record).

The documents presented are public records, verifiable with certainty, and of the same type as other governmental documents which courts have judicially noticed. *See, e.g., Roemer v. Board of Public Works of Maryland*, 426 U.S. 736, 742 n. 4, 96 S.Ct. 2337, 2343, 49 L.Ed.2d 179 (1976) (state regulations implementing public aid statute); *Interstate Natural Gas Co. v. Southern Calif. Gas Co.*, 209 F.2d 380, 385 (9th Cir.1953) (Federal Power Commission report); *City of Wilcox v. F.P.C.*, 567 F.2d 394, 426 (D.C.Cir.1977) (Federal Power Commission order); *Dispatch, Inc. v. City of Erie*, 364 F.2d 539, 541 (3rd Cir.1966) (Federal Communications

Commission bulletin); *McNeil v. McDonough*, 515 F.Supp. 113, 147 (D.N.J.1980), *aff'd*, 648 F.2d 178 (3rd Cir.1981) (Attorney General's announced policy to eliminate state-required price fixing in alcoholic beverage field).

II. EXHIBITS A-D

Exhibit A. Exhibit A consists of the indictment and docket from *State v. Martinez-Romero*, Case No. 19CR82213, which are publicly available on the Oregon State Court Website. <https://publicaccess.courts.oregon.gov>.

Exhibit B. Exhibit B A consists of the indictment and docket from *State v. Epling*, Case No. 21CR9175, which are publicly available on the Oregon State Court Website. <https://publicaccess.courts.oregon.gov>.

Exhibit C. Exhibit C is a copy of a PowerPoint presentation posted by the Oregon Health Authority on the Oregon State Legislature's website. <https://olis.oregonlegislature.gov/liz/2021I1/Downloads/CommitteeMeetingDocument/256973>

Exhibit D. Exhibit D is a copy of a Dr. Debra Pinals Third Report issued September 15, 2022. It can be found on the Oregon Health Authority's website at: https://www.oregon.gov/oha/OSH/Documents/Oregon_Mink-Bowman_3rd_Neutral_Expert_Pinals_Report.pdf

DATED: September 28, 2022.

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